

PUBLIC SAFETY

0820 Department of Justice

Background. The Department of Justice (DOJ) is under the direction of the Attorney General. The Attorney General is elected by the public and is required by the California Constitution, as the chief law officer of the state, to ensure that California's laws are uniformly and adequately enforced. The DOJ also serves as the state's primary legal representative and provides various services to assist local law enforcement agencies. The DOJ is organized into the following seven programmatic functions:

- **Civil Law**—Represents the state in civil matters and is organized in the following sections: Business and Tax; Correctional Law; Employment, Regulation and Administration; Government Law; Health, Education and Welfare; Health Quality Enforcement; Licensing; and Tort and Condemnation.
- **Criminal Law**—Represents the state in all criminal matters before the Appellate and Supreme Courts. The Criminal Law Program also assists district attorneys and conducts criminal investigations and prosecutions where local resources are inadequate.
- **Public Rights**—Provides legal services to all state agencies and constitutional officers and is organized in the following issue areas: Civil Rights and Enforcement; Charitable Trusts; Natural Resources; False Claims; Energy and Corporate Responsibility; Indian and Gaming Law; Environmental Law; Land Law; Consumer Law; Antitrust Law; and Tobacco Litigation Enforcement.
- **Law Enforcement**—Provides various services to local law enforcement and is organized into the following five elements: (1) the Bureau of Investigation conducts criminal investigations of statewide importance; (2) the Bureau of Narcotic Enforcement provides leadership, coordination, and support to law enforcement to combat the state's narcotic problem; (3) the Bureau of Forensic Services provides evaluation and analysis of physical crime evidence for state and local law enforcement; (4) the Western States Information Network provides an automated database of suspected criminal elements to law enforcement in neighboring states; and (5) the Criminal Intelligence Bureau shares criminal intelligence regarding organized crime, street gangs, and terrorist activity to other law enforcement agencies.
- **California Justice Information Systems**—Provides criminal justice information and identification services to law enforcement, regulatory agencies, and the public.
- **Gambling Control**—Regulates legal gambling activities and ensures that gambling on tribal lands is conducted in conformity with a gaming compact.
- **Firearms**—Provides oversight and regulation of firearms in California.

Governor's Budget. The Governor's budget proposal includes \$825 million to support DOJ in 2007-08. General Fund support for the department is about \$403 million, which is about \$4.8 million less than what is estimated for expenditure in the current year. This reduction is primarily due to one-time expenditures in the current year.

Summary of Expenditures (dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
Directorate and Administration	\$29,195	\$29,886	\$691	2.4
<i>less distributed Administration</i>	<i>-29,195</i>	<i>-29,886</i>	<i>-691</i>	<i>0.0</i>
Legal Support and Tech Admin	52,191	53,425	1,234	2.4
<i>less distributed Legal and Tech</i>	<i>-52,191</i>	<i>-53,425</i>	<i>-1,234</i>	<i>0.0</i>
Executive Programs	16,278	16,222	-56	-0.3
Civil Law	133,391	145,990	12,599	9.4
Criminal Law	111,214	123,525	12,311	11.1
Public Rights	90,397	91,859	1,462	1.6
Law Enforcement	227,922	224,604	-3,318	-1.5
California Justice Information Services	182,731	185,961	3,230	1.8
Gambling	19,180	20,408	1,228	6.4
Firearms	18,537	16,653	-1,884	-10.2
Total	\$799,650	\$825,222	\$25,572	3.2
Funding Source				
General Fund	\$407,478	\$402,676	-\$4,802	-1.2
Special Funds	190,633	208,791	18,158	9.5
<i>Budget Total</i>	<i>598,111</i>	<i>611,467</i>	<i>13,356</i>	<i>2.2</i>
Federal Trust Fund	44,745	41,259	-3,486	-7.8
Reimbursements	44,484	43,099	-1,385	-3.1
Special Deposit Fund	2,662	2,687	25	0.9
Domestic Violence Reimbursements	1,918	1,918	0	0.0
Ratepayer Relief Fund	12,281	7,170	-5,111	-41.6
Legal Services Revolving Fund	95,449	117,622	22,173	23.2
Total	\$799,650	\$825,222	\$25,572	3.2

Infrastructure Bond. The Governor proposes \$400 million in lease-revenue bonds for a new facility to house a new DNA laboratory and to co-locate other DOJ functions that are currently housed in leased space and other facilities around the Sacramento area.

Highlights

Habeas Corpus Workload Increase. The Governor proposes \$4.8 million General Fund to augment the department's Criminal Law division to support the increased federal habeas corpus workload. Federal habeas corpus litigation arises when inmates challenge life parole decisions and revocation decisions made by the Board of Parole Hearings and prison discipline or post-sentence credit decisions made by the Department of Corrections and Rehabilitation (CDCR). These filings have increased dramatically since November 2005 when the court eliminated the requirement that inmates needed permission from the court before filing federal habeas corpus appeals.

Correctional Law Workload Increase. The Governor proposes \$2.2 million General Fund to augment the department's Civil Law division to handle the increased class action workload related to CDCR. The CDCR is currently being sued in 23 class action lawsuits, including *Plata v. Schwarzenegger*, *Coleman v. Schwarzenegger*, and others. The department expects that four additional class action lawsuits will be filed against CDCR in the budget year, further increasing DOJ's workload.

Underwriter Litigation Continues. The Governor proposes \$4.2 million General Fund to maintain staffing to continue with a class action lawsuit against insurance companies referred to as the *Underwriters* litigation. This litigation is against insurance companies that reneged on insurance coverage held by the state on the Stringfellow hazardous waste dump, thereby leaving the state with significant clean up costs on this site. The DOJ has recovered more than \$120 million from insurance companies in this lawsuit thus far.

Megan's Law Implementation. The budget proposes \$767,000 to enhance the Megan's Law website to include additional information about sex offenders as mandated by legislation (SB 1128, Alquist and AB 1849, Leslie) enacted in 2006.

Issues

Infrastructure Bond Issues. The Governor's Strategic Growth Plan includes \$400 million in lease-revenue bonds to build a new facility to replace the existing DNA laboratory in Richmond, California and co-locate other DOJ functions currently in lease space and other buildings in the Sacramento area. This is about \$200 million more than identified in the 2006 Five-Year Infrastructure Plan for a new DNA laboratory. The Legislature may wish to evaluate the level of bond funding being proposed and determine why it is significantly more than proposed in the current year. Furthermore, the department has had a difficult time recruiting staff at its DNA laboratory in the San Francisco Bay Area because of the high cost of living in this area. The Legislature may also wish to evaluate relocating the DNA laboratory to make it easier to recruit staff.

DNA Identification Funding Possibly Short in Current Year. The Governor's budget assumes that the DNA Identification Fund will receive \$16 million in revenues in the current year. This fund receives revenues from an additional \$1 penalty for every \$10 of fine, penalty, or forfeiture collected by the courts for criminal offenses and all offenses involving a violation of the Vehicle Code. This fund supports activities related to Proposition 69, a 2004 voter initiative that requires DNA collection from all felons and adults and juveniles arrested for certain crimes. The department has indicated that early revenue collections were not at a rate fast enough to

reach \$16 million in the current year and General Fund monies may be needed to backfill this shortfall to continue Proposition 69 activities in the current year. The Governor's budget contains budget bill language that allows revenue shortfalls to be backfilled by General Fund monies upon approval of the Joint Legislative Budget Committee. The Legislature may wish to determine a more realistic revenue assumption for the DNA Identification Fund that more closely reflects actual revenues.

0855 Gambling Control Commission

Background. The California Gambling Control Commission (GCC) is the primary state agency that regulates and licenses personnel and operations of the state's gambling industry. The commission regulates 55 tribal casinos and more than 100 gambling establishments and cardrooms.

Governor's Budget. The Governor's budget allocates nearly \$137 million to GCC. This is a slight decrease from estimated expenditures in the current year.

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
Commission	\$142,443	\$136,827	-\$5,616	-3.9
Total	\$142,443	\$136,827	-\$5,616	-3.9
Funding Source				
Special Funds	\$40,459	\$40,327	-\$132	-0.3
<i>Budget Total</i>	<i>40,459</i>	<i>40,327</i>	<i>-132</i>	<i>-0.3</i>
Indian Gaming Rev Share Trust Fund	101,984	96,500	-5,484	-5.4
Total	\$142,443	\$136,827	-\$5,616	-3.9

Highlight

Budget Counts on General Fund Revenues from Amended Tribal-State Gaming Compacts.

The Governor's budget counts on over \$500 million in new revenues to the General Fund from five tribal-state gaming compacts that have not been ratified by the Legislature. The following five tribes have existing tribal gaming operations and have negotiated amended compacts with the administration: Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseno Mission Indians, San Manuel Band of Mission Indians, Morongo Band of Cahuilla Mission Indians, and Sycuan Band of Diegueno Mission Indians. The amended compacts would add 22,500 new gaming devices in California.

Issue

Revenues from Tribal-State Gaming Compacts May Be Overstated. The Legislative Analyst's Office (LAO) believes that the Governor's budget overstates the amount of revenue from tribal gaming that the state will receive in the budget year by at least \$200 million. Limited information has been provided by the administration about how quickly the tribes plan on phasing in the new gaming devices. The latter assumption is critical to determining how much revenue will be received in the budget year. Furthermore, the Legislature has not ratified the amended compacts and will need to do so quickly to receive additional tribal gaming revenues in the budget year. However, even if the Legislature does act quickly, revenues may still be less than estimated in the Governor's budget because the budget may rely on overly optimistic assumptions about the phase-in of the new gaming devices.

1690 Alfred E. Alquist Seismic Safety Commission

Background. The Seismic Safety Commission is the primary state agency responsible for reducing earthquake risk to life and property. The Commission investigates earthquakes, researches earthquake-related issues and reports, and recommends to the Governor and Legislature policies and programs needed to reduce earthquake risk. Legislation (SB 1278, Alquist) enacted in 2006, renamed, in memoriam, the Seismic Safety Commission to the Alfred E. Alquist Seismic Safety Commission and moved it under the purview of the State and Consumer Services Agency.

Governor's Budget. The Governor's budget proposal includes \$3.2 million from special funds for the support of the Commission. This is about \$2 million more than estimated for expenditure in the current year. This is primarily due to a new research grant program funded from the settlement of a lawsuit. (The totals included in the table below for 2006-07 include the half-year estimated expenditures for the old Seismic Safety Commission under the organization code of 8690.)

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
Commission	\$1,206	\$3,194	\$1,988	164.8
Total	\$1,206	\$3,194	\$1,988	164.8
Funding Source				
Special Funds	\$1,131	\$1,117	-\$14	-1.2
<i>Budget Total</i>	<i>1,131</i>	<i>1,117</i>	<i>-14</i>	<i>-1.2</i>
Reimbursements	75	77	2	2.7
Special Deposit Fund	-	2,000	-	-
Total	\$1,206	\$3,194	\$1,988	164.8

Highlight

New Grant Program. The Governor proposes to expend \$2 million special funds for a new grant program to fund research topics selected from the Commission's Earthquake Research Plan. The grant program is funded from monies received from the settlement of a lawsuit in the Los Angeles Trial Court. The total settlement expected to be received by the commission for the grant program is \$6 million.

1870 California Victim Compensation and Government Claims Board

Background. The California Victim Compensation and Government Claims Board's primary functions are to compensate victims of violent crime and consider and settle civil claims against the state. The Board consists of three members, the Director of General Services who serves as the chair, the State Controller, and a public member appointed by the Governor. The board also determines equitable travel allowances for certain government officials, responds to protests against the state alleging improper or unfair acts in the procurement process, and provides reimbursement of counties' special election expenses.

Governor's Budget. The Governor's budget proposal includes \$139.5 million to support the California Victim Compensation and Government Claims Board's activities. This is a slight decrease from estimated expenditures in the current year due to one-time payments to reimburse local governments for a special election in the current year. The budget does not propose any General Fund expenditures for the board in the budget year.

Current Year Spending Changes. The Governor's budget reflects an increase in spending in the current year of \$1.3 million from the Restitution Fund. These monies were appropriated in AB 50 (Leno) in the 2006 Legislative session to fund the reauthorization of an interagency

agreement between the board and the University of California, San Francisco for the operation of the Trauma Recovery Center at San Francisco General Hospital. This center is a pilot project of the University designed to develop and test a comprehensive model of care as an alternative to fee-for-service care reimbursed by victim restitution funds. This model is attempting to improve access to services for poor people, homeless people, and people with mental health needs that are victims of violent crime.

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
Citizens Indemnification	\$130,125	\$128,713	-\$1,412	-1.1
Quality Assurance and Rev Recovery Div	8,795	9,489	694	7.9
Disaster Relief Claim Program	19	-	-	-
Civil Claims Against the State	1,364	1,318	-46	-3.4
Citizens Benefiting the Public	20	20	0	0.0
Administration	9,097	9,197	100	1.1
<i>less distributed Administration</i>	<i>-9,488</i>	<i>-9,704</i>	<i>-216</i>	<i>0.0</i>
Executive Office Administration	391	507	116	29.7
Counties' Special Education Reimb	1,765	-	-	-
Total	\$142,088	\$139,540	-\$2,548	-1.8
Funding Source				
General Fund	\$1,765	-	-	-
Special Funds	106,716	106,035	-681	-0.6
<i>Budget Total</i>	<i>108,481</i>	<i>106,035</i>	<i>-2,446</i>	<i>-2.3</i>
Federal Trust Fund	32,224	32,187	-37	-0.1
Reimbursements	1,383	1,318	-65	-4.7
Total	\$142,088	\$139,540	-\$2,548	-1.8

8120 Commission on Peace Officer Standards and Training

Background. The Commission on Peace Officer Standards and Training (POST) is responsible for raising the competence level of law enforcement officers in California by establishing minimum selection and training standards, improving management practices, and providing financial assistance to local agencies relating to the training of law enforcement officers.

Governor's Budget. The Governor's budget proposal includes \$62.7 million from special funds to support POST in the budget year. This is a nearly 8 percent increase over estimated expenditures in the current year. This increase is due primarily to a budget proposal to replace inoperable driving simulators used to train law enforcement.

Summary of Expenditures (dollars in thousands)				
	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
Standards	\$5,396	\$5,438	\$42	0.8
Training	30,727	35,290	4,563	14.9
Peace Officer Training	21,944	21,944	0	0.0
Administration	6,036	6,167	131	2.2
<i>less distributed Administration</i>	<i>-6,036</i>	<i>-6,167</i>	<i>-131</i>	<i>0.0</i>
Total	\$58,067	\$62,672	\$4,605	7.9
Funding Source				
Peace Officers' Training Fund	56,806	61,413	4,607	8.1
<i>Budget Total</i>	<i>56,806</i>	<i>61,413</i>	<i>4,607</i>	<i>8.1</i>
Reimbursements	1,259	1,259	0	0.0
Total	\$58,065	\$62,672	\$4,607	7.9

Highlights

Replacement of Law Enforcement Driving Simulators. The Governor proposes \$3.5 million special funds to replace the eight oldest Law Enforcement Driving Simulators. These simulators are located in the State Regional Skills Training Centers and are needed as part of the Perishable Skills training required of California's peace officers every two years.

Development of Web Based Training. The Governor proposes \$650,000 in special funds to develop a new web-based training portal, including converting current CD-ROM training to web-based. The funds will also be used to create an on-line survey mechanism for determining training needs of local law enforcement.

Increase Audit Capability. The Governor proposes \$250,000 in special funds to increase the contract it has with the State Controller's Office to audit local law enforcement to ensure that local agencies are submitting appropriate reimbursement claims. This augmentation will allow the Controller's Office to complete 30 to 35 audits annually, thereby auditing every agency once within a 20-year period.

8140 State Public Defender

Background. The Office of the State Public Defender was originally created to represent indigent criminal defendants on appeal. However, since 1990, the mandate of the office has been refocused to death penalty cases. The Office of the State Public Defender litigates death penalty cases both on appeal and habeas corpus.

Governor's Budget. The Governor's budget proposal includes \$12 million to support the Office of the State Public Defender. This is approximately the same level of funding as is estimated for expenditure in the current year.

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
State Public Defender	\$11,988	\$12,040	\$52	0.4
Total	\$11,988	\$12,040	\$52	0.4
Funding Source				
General Fund	\$11,988	\$12,040	\$52	0.4
Total	\$11,988	\$12,040	\$52	0.4

8180 Payments to Counties for Costs of Homicide Trial

Background. The state provides reimbursement to counties for the costs of conducting homicide trials. Under current law, a county may apply to the State Controller for reimbursement of certain costs of homicide trials and hearings. For most counties, the maximum amount that the county may be reimbursed is based on the county population, the assessed value of property within the county, and the number of homicide trials conducted during the fiscal year. However, certain counties are reimbursed for 100 percent of homicide trial costs.

Governor's Budget. The Governor's budget proposes \$2.5 million in General Fund monies to pay counties for the costs of homicide trials. This is \$1 million less than is estimated for expenditure in the current year.

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
County Costs	\$3,500	\$2,500	-\$1,000	-28.6
Total	\$3,500	\$2,500	-\$1,000	-28.6
Funding Source				
General Fund	\$3,500	\$2,500	-\$1,000	-28.6
Total	\$3,500	\$2,500	-\$1,000	-28.6

8550 California Horse Racing Board

Background. The California Horse Racing Board (CHRB) licenses racing industry participants, enforces racing rules related to drugs and other offenses, administers efforts to protect racing horses, and oversees programs to improve the health of jockeys and other industry employees. The CHRB regulates operations at 14 racetracks, 20 simulcast facilities, and advance deposit wagering services (available via telephone or on-line).

Governor's Budget. The Governor's budget proposal includes \$10.8 million to support the CHRB in 2007-08. This is about 4 percent more than is estimated for expenditure in the current year due to one-time information technology hardware purchases proposed in the budget year.

Summary of Expenditures				
(dollars in thousands)	2006-07	2007-08	\$ Change	% Change
Type of Expenditure				
California Horse Racing Board	\$10,392	\$10,818	\$426	4.1
Administration	7,011	8,115	1,104	15.7
<i>less distributed Administration</i>	<i>-7,011</i>	<i>-8,115</i>	<i>-1,104</i>	<i>0.0</i>
Total	\$10,392	\$10,818	\$426	4.1
Funding Source				
Special Funds	\$8,969	\$9,287	\$318	3.5
<i>Budget Total</i>	<i>8,969</i>	<i>9,287</i>	<i>318</i>	<i>3.5</i>
Special Deposit Fund	1,423	1,531	108	7.6
Total	\$10,392	\$10,818	\$426	4.1